IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1103 of 2007()

CRIME NO.25/07 OF VARAPUZHA POLICE STATION

: PETITIONERS/ACCUSED:

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1. SHYNE ANTONY, KOLARICKAL VEEDU,
   MANNANTHURUTHU, VARAPUZHA,
   ERNAKULAM DISTRICT.

2. ROYSON, S/O.THOMAS,
   VEVUKATTIL VEEDU, MUTTINAKOM,
   VARFAPPUZHA VILLAGE.

3. NITHEESH, KADAYAPRAMBIL,
   THEVARKADU, VARAPUZHA,
   ERNAKULAM DISTRICT.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
   ITS DIRECTOR OF PUBLIC PROSECUTION,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   VARAPPUZHA POLICE STATION,
   ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1103 OF 2007

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DATED THIS THE 26TH DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused 1 to 3 in Crime No.25/07 of Varappuzha Police Station for offences punishable under sections 452, 324 and 326 read with section 34 IPC and section 3 of the Explosive Substances Act, 1908, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The occurrence took place at 11.45 PM on 31.1.2007 when the accused persons armed with deadly weapons like iron rod, etc. are alleged to have trespassed into the house of the de facto complainant and attacked him causing injuries including fracture. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 05.03.2007 and 07.03.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall

consider and dispose of the application, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn